



USSN: 09/475,704
Atty. Dkt. No.: PP001631.002
2300-1631

PATENT

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **January 23, 2008**:

1/23/08
Date

Michelle H. Wilson
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BARNETT et al.

Serial No.: 09/475,704

Filing Date: December 30, 1999

Title: POLYNUCLEOTIDES ENCODING
ANTIGENIC HIV TYPE C POLYPEPTIDE,
POLYPEPTIDES AND USES THEREOF

Examiner: J. Pitrak

Group Art Unit: 1635

Confirmation No.: 6738

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Novartis Vaccines & Diagnostics, Inc. is the owner of the entire right, title and interest in the instant U.S. Patent Application by virtue of an assignment to Chiron Corporation (a wholly owned subsidiary of Novartis Vaccines and Diagnostics, Inc) recorded on February 23, 2000 at Reel 01623, Frame 0233.

2. Novartis Vaccines & Diagnostics, Inc. is also the owner of the entire right, title and interest in U.S. Patent No. 6,602,705 by virtue of an assignment to Chiron Corporation (a

wholly owned subsidiary of Novartis Vaccines and Diagnostics, Inc) recorded on September 26, 2000 at Reel 011175, Frame 0554.

3. Novartis Vaccines & Diagnostics, Inc. is also the owner of the entire right, title and interest in U.S. Patent No. 7,211,659 by virtue of an assignment to Chiron Corporation (a wholly owned subsidiary of Novartis Vaccines and Diagnostics, Inc) recorded on January 30, 2004 at Reel 014928, Frame 0264.

4. The assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned application Serial No. 09/475,704 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent Nos. 6,602,705 and 7,211,659. Assignee further agrees that any patent granted on the above-captioned application Serial No. 09/475,704 will be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,602,705 and 7,211,659; this agreement to run with any patent granted on the above-captioned application Serial No. 09/475,704 and to be binding upon the grantee, its successors or assigns.

5. In making this disclaimer, the assignee does not disclaim the terminal part of any patent granted on the above-captioned application Serial No. 09/475,704 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent Nos. 6,602,705 and 7,211,659; in the event that U.S. Patent Nos. 6,602,705 or 7,211,659 later (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (e) has all claims cancelled by a reexamination certificate, (f) is reissued, or (g) is, in any manner, terminated prior to the expiration of its full statutory term.

6. The undersigned is an attorney of record.

USSN: 09/475,704
Atty. Dkt. No.: PP001631.002
2300-1631

7. Payment in the amount of \$130.00 for a Terminal Disclaimer fee under 37
C.F.R. § 1.20(d) is included.

Respectfully submitted,

Date: January 23, 2008

By: Dahna Pasternak

Dahna S. Pasternak
Registration No. 41,411

NOVARTIS VACCINES AND DIAGNOSTICS
Intellectual Property - R440
P. O. Box 8097
Emeryville, CA 94662-8097
Tel: (510) 923-2192
Fax: (510) 655-3542